

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.10594 OF 2004

Abdul Sattar A.B.Farooque. ...Petitioner.

Vs.

The Bombay Municipal Corporation
of Greater Bombay. ...Respondent.

.....

Mr.N.B.Khan for the Petitioner.

Mr.A.J.Bhor for the Respondent.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

May 4, 2005.

P.C. :

The Municipal Appeal under Section 217 of the Mumbai Municipal Corporation Act, 1888 has been dismissed for want of compliance with the mandatory condition of deposit. No infirmity can be found with the impugned order because the Petitioner must comply with the requirement of deposit if the appeal is to be maintained. In the circumstances, however, in the interests of justice, there shall

be a direction to the effect that in the event that the Petitioner complies with the requirement of deposit as per the provisions of Section 217 of the Mumbai Municipal Corporation Act, 1888, within six weeks from today, to the satisfaction of the Chief Judge of the Small Cause Court, Mumbai, the appeal shall be restored for hearing. However, in the event that there is a failure or default on the part of the Petitioner to do so, the impugned order of the Learned Chief Judge of the Small Cause Court shall be maintained. The Petition is accordingly disposed of.

.....